

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: SB 1150

INTRODUCER: Senator Dean

SUBJECT: Farm Labor Contractors

DATE: April 13, 2010

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------|----------------|-----------|------------------|
| 1. | Harrington | Imhof | RI | Favorable |
| 2. | Akhavein | Poole | AG | Favorable |
| 3. | Frederick | DeLoach | GA | Favorable |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

This bill authorizes the Department of Business and Professional Regulation (DBPR) to renew a farm labor contractor's certificate of registration after the applicant's federal certificate of registration has expired, if the applicant has timely filed for a renewal of the federal certificate. The bill also authorizes the department to suspend, revoke, or refuse to issue or renew a certificate of registration if the federal certificate is suspended, revoked, or is not issued or renewed.

This bill amends section 450.31, Florida Statutes.

II. Present Situation:

Section 450.28(1), F.S., defines a farm labor contractor as any person who, for compensation, recruits, transports, supplies, or hires one or more farm workers to work for, or under the direction, supervision, or control of a third person, or directs, supervises, or controls the work.

In order to engage in farm labor contracting, the Migrant and Seasonal Agricultural Worker Protection Act of 1983 requires a farm labor contractor to obtain a federal certificate of registration from the U.S. Department of Labor.¹ Registration is required regardless of whether additional state licensing or registration is required under state law.² The federal certificate of registration expires twelve months after issuance.³ However, a certificate can be extended by

¹ 29 U.S.C. s. 1811(a).

² 29 C.F.R. 500.46.

³ 29 U.S.C. s. 1814(b)(1).

filing an application for renewal at least 30 days prior to expiration.⁴ Under federal law, the farm labor contractor maintains the authority to operate, as if operating under a valid certificate, until the renewal application has been processed.⁵

In addition to the federal certificate, s. 450.30, F.S., requires farm labor contractors to obtain a state certificate of registration from the DBPR. Under current law, a farm labor contractor will not be issued a state certificate of registration without obtaining and holding a valid federal certificate of registration.⁶ In addition, a state certificate of registration will not be renewed unless the contractor holds a valid federal certificate.⁷

Under current law, a farm labor contractor is authorized to work after the expiration of his or her federal certificate if the contractor timely applies to renew the federal certificate of registration. However, the DBPR cannot renew the state certificate until the federal registration has been officially renewed. As a result, a farm labor contractor may be unable to work in the state while waiting on the federal renewal application to be fully processed.

III. Effect of Proposed Changes:

Section 1 amends s. 450.31, F.S., to permit the renewal of a state certificate of registration for farm labor contractors whose federal certificates have expired, so long as the applicant for renewal has timely filed a federal certificate renewal. The bill also requires the DBPR to suspend, revoke, or refuse to renew certificates of registration if the federal certificate is suspended, revoked, or is not renewed.

Section 2 provides that this bill shall take effect July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴ *Id.*

⁵ 29 C.F.R. 500.50.

⁶ Section 450.31(1)(b), F.S.

⁷ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DBPR, the agency will be required to track and revoke certificates that are not renewed at the federal level. The agency anticipates that the workload increase can be addressed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.